

COUNTY OF SAN DIEGO • DEPARTMENT OF PLANNING AND LAND USE

**DATE:** June 27, 2008

**TO:** Planning Commission

**SUBJECT:** APPEAL OF THE DIRECTOR'S DECISION TO DENY THE WHILLOCK BOUNDARY ADJUSTMENT WITH CERTIFICATE OF COMPLIANCE; BC 07-137; CREST/DEHESA/HARBISON CANYON COMMUNITY PLANNING AREA (District 2)

**SUMMARY:**

**Overview**

This is an appeal of the Director's Decision dated May 9, 2008, to deny the Whillock Boundary Adjustment with Certificate of Compliance (2 Lots); BC 07-137; which determined that Assessor's Parcel Number (APN) 508-080-01 was not created as a "building site" and is therefore not eligible to be included in a Boundary Adjustment application pursuant to Section 6903(e) of the County Zoning Ordinance. Section 6903(e) of the County Zoning Ordinance prohibits the relocation of lot lines that would, "Include any lots or parcels, which in the Director's judgment, based on design, size, or specification of the original document creating the parcel, were not intended as a building site". The subject properties, APN 508-080-01 & 54, are located at 2590 Camino Monte Sombra in the Crest/Dehesa/Harbison Canyon Community Planning Area within unincorporated San Diego County.

**Recommendations**

**DEPARTMENT OF PLANNING AND LAND USE:**

That the Planning Commission take the following action:

1. Deny the Appeal of the Director's Decision.
2. Adopt the attached Form of Decision of the Planning Commission on the Application of the Whillock Boundary Adjustment with Certificate of Compliance (2 Lots); BC 07-137 (Attachment C)

**Fiscal Impact**

N/A

**Business Impact Statement**

N/A

**Advisory Board Statement**

**SUBJECT:** APPEAL OF THE DIRECTOR'S DECISION, WHILLOCK BOUNDARY ADJUSTMENT WITH CERTIFICATE OF COMPLIANCE; BC 07-137

N/A

**Involved Parties**

Property Owners: Mark B. & Susan K. Whillock

Appellant: Thure Stedt

**BACKGROUND:**

The subject assessor parcels, APN 508-080-01 (0.28 acres) and 508-080-54 (15.96 acres), are legal lots located at 2590 Camino Monte Sombra in the Crest/Dehesa/Harbison Canyon Community Planning Area within the unincorporated San Diego County. These properties are subject to the Regional Land Use Element Policy Estate Development Area (EDA) and General Plan land Use Designation Multiple Rural Use (18). The project site is zoned A70 (Limited Agriculture) which requires a minimum net lot size of two (2) acres for APN 508-080-01 and four (4) acres for APN 508-080-54. The latter parcel is currently developed with a single family dwelling.

The applicant proposes to adjust boundary lines of the two existing lots to create two newly configured lots that encompass 12.27 acres ("Parcel A") and 3.86 acres ("Parcel B"). The proposed boundary adjustment would create a potential new residential building site (Parcel A). (Refer to the plat map provided in Attachment B). In the proposed lot configuration, the existing residence on APN 508-080-54 would be located within Parcel B. Surrounding land uses consist of single-family residential development on approximately two (2) to four (4) acre lots to the north and west and vacant properties to the south and east. The properties are accessed from a private road that becomes Camino Monte Sombra at the northwest property line.

On November 08, 2007, the applicant filed an application for a Boundary Adjustment with Certificate of Compliance. On January 4, 2008, the Department of Planning and Land Use (DPLU) issued a Scoping Letter requesting that evidence be provided to demonstrate that the intended use of the smaller existing lot (APN 508-080-01) was as a building site. On February 8, 2008, County staff met with the applicant who provided further information to support the concept that the lot qualified as a building site eligible under the County Zoning Ordinance to participate in a Boundary Adjustment.

DPLU staff considered the additional information and found that APN 508-080-01 qualifies as a building site eligible for a boundary adjustment process. Staff issued an email documenting this determination on February 14, 2008. Upon further consideration, DPLU determined that APN 508-080-01 is not eligible for the Boundary Adjustment process. By letter dated May 9, 2008, the DPLU Director determined that the parcel was not eligible to be included in a Boundary Adjustment application due to an inconsistency with Section 6903(e) of the County Zoning Ordinance (Attachment D). On May 15, 2008, the property owner's representative, Mr. Thure Stedt, filed an appeal of the Director's Decision to deny BC 07-137 in accordance with the appeal procedures specified in Section 81.905 of the San Diego County Subdivision Ordinance.

**SUBJECT:** APPEAL OF THE DIRECTOR'S DECISION, WHILLOCK BOUNDARY ADJUSTMENT WITH CERTIFICATE OF COMPLIANCE; BC 07-137

**PROJECT ISSUES:**

Below are summaries of the identified issues for this item:

- **WAS ASSESSOR'S PARCEL NUMBER 508-080-01-00 INTENDED AS A "BUILDING SITE" PURSUANT TO SECTION 6903(E) OF THE COUNTY ZONING ORDINANCE?**

Discussion: The appellant has submitted written correspondence (Attachment E) which contends that the parcel meets the definition of a "building site" based upon the documents which created it. The appellant states that said documents indicate that it was created for the purpose of a pump station building. The appellant further states that the Zoning Ordinance does not distinguish between types of buildings or uses in its definition of a building site. The appellant thereby attests that pursuant to the Zoning Ordinance the subject parcel, APN 508-080-01-00, literally qualifies as a building site and thereby a legal lot.

Response: The DPLU has evaluated the application and has concluded that APN 508-080-01 does not qualify as a building site pursuant to Section 6903(e) of the County Zoning Ordinance for the following reasons:

1. Section 6903(e) of the County Zoning Ordinance prohibits the relocation of lot lines that would *"Include any lots or parcels, which in the Director's judgment, based on design, size or specification of the original document creating the parcel, were not intended as a building site"*.

According to the information provided by the appellant, the parcel was created for the installation of a water transmission facility to be operated by the Crest Public Utility District (District). Resolution 863 of the City of El Cajon (City) approved the granting of an access easement to the subject parcel for *"water pipe line, electrical power line, communication lines and signal or control lines, incidental and pertinent to the operation and control of the water pumping plants, reservoirs, and water pipeline system of said district..."* The map included with this resolution labels the subject property as *"Site Pumping plant No. 2"*. The deed that created the subject parcel involves a transfer of ownership between two public agencies (City and District) that occurred concurrent with the granting of the easement. Based on the documentation provided, it is the Director's judgment that the subject parcel was created solely to support public utilities and was not intended as a building site eligible for lot line adjustments pursuant to Section 6903(e) of the Zoning Ordinance.

2. The Zoning Ordinance defines a building site as *"One or more legally created lots when used in combination for a building or group of buildings together with all open spaces as required by this ordinance"*. Although the definition of building site does not distinguish between types of buildings or uses, Section 6903(e) of the Zoning Ordinance specifically grants the Director the authority to determine the eligibility of lots to be included in a Boundary Adjustment application. The appellant contends that the past intention to place a water transmission facility (i.e. a pump station) on the utility lot renders APN 508-080-

**SUBJECT:** APPEAL OF THE DIRECTOR'S DECISION, WHILLOCK BOUNDARY ADJUSTMENT WITH CERTIFICATE OF COMPLIANCE; BC 07-137

01 a building site by definition. DPLU disagrees with this position because the pump station lot was clearly never intended as a "building site." Section 6903(e) specifically prohibits the inclusion of lots "not intended as a building site" in Boundary Adjustment applications. The purpose of Section 6903(e) is to prevent increased development through the Boundary Adjustment process that could result from legal lots created to accommodate water wells, pump stations, electrical substations, sanitation works or other public agency facilities.

3. The Subdivision Map Act (SMA) Section 66428(a)(2) exempts lands conveyed to or from a public agency or public utility from parcel map regulations. According to the documents that created the subject parcel, the property was conveyed to a public agency for the sole purpose of accommodating public utility facilities. The creation of the 0.28-acre lot (APN 508-080-01) was accomplished by an exception provided in the SMA for public utility purposes and not intended for a residential, commercial or other purpose. This lot division was not subjected to the subdivision regulations in place at the time. The exception in the SMA for public agency land acquisition is not intended to provide additional commercial or residential development potential via the Boundary Adjustment process.
4. The 0.28-acre lot (APN 508-080-01) is located in a rural area of the County characterized by large residential lots ranging in size from 2-12 acres. Based on surrounding development patterns and land use characteristics, it is the Director's judgment that the size of the subject parcel is not indicative of an intended building site as contemplated by Section 6903(e) of the Zoning Ordinance.

Based on the available information discussed above, the legal lot represented by APN 508-080-01 was created through a specific exception provided in the Subdivision Map Act to accommodate the installation of facilities for a public utility district and was not intended as a "building site" to support more intensive land uses as proposed by the applicant (appellant). The application of a broad interpretation of "building site" as advocated by the appellant would be contrary to the purpose of the SMA section that allows for the creation of substandard lots for public utility purposes and inconsistent with Section 6903(e) of the County Zoning Ordinance. Such an interpretation would compromise the County's ability to ensure orderly land divisions by enabling de-facto subdivisions to occur without standard review requirements where small utility parcels are available. Accordingly, the lot represented by APN 508-080-01 is not eligible to be included in a Boundary Adjustment application.

*Should the Planning Commission determine that the subject lots are eligible to be included in a Boundary Adjustment application, the project must be referred back to staff for processing.*

**WAIVERS AND EXCEPTIONS:**

N/A

**SUBJECT:** APPEAL OF THE DIRECTOR'S DECISION, WHILLOCK BOUNDARY  
ADJUSTMENT WITH CERTIFICATE OF COMPLIANCE; BC 07-137

**ENVIRONMENTAL STATUS:**

This action is exempt from the California Environmental Quality Act based upon Section 15270(b) of the State CEQA Guidelines (Projects which are disapproved).

**PREVIOUS ACTIONS:**

On May 9, 2008, DPLU issued a letter to the applicant indicating that an Administrative Decision had been made by the Director that the subject parcel, APN 508-080-01-00, was not eligible to be included in a Boundary Adjustment application pursuant to section 6903(e) of the County Zoning Ordinance (Attachment D).

On November 08, 2007, the applicant filed an application for a Boundary Adjustment with Certificate of Compliance.

**ACTIVITIES UNDERTAKEN WITHOUT APPROPRIATE PERMITS:**

N/A

**PUBLIC INPUT:**

N/A

**DEPARTMENT REASONS FOR RECOMMENDATION:**

1. On May 9, 2008, the Director of Planning and Land Use determined that APN 508-080-01-00 was not eligible to be included in the proposed Boundary Adjustment pursuant to Section 6903(e) of the County Zoning Ordinance. The subject parcel was created through an exception in the Subdivision Map Act for a public utility purpose and a more intensive use of the property was never intended.

cc: Thure Stedt, 7867 Convoy Ct. # 312, San Diego, Ca 92111  
Mark B. & Susan K. Whillock, 5920 Camino Monte Sombra, El Cajon, Ca 92019  
Richard Grunow, Planning Manager, Department of Planning and Land Use, M.S. O650  
Lisa Robles, Case Closure, Department of Planning and Land Use, M.S. O650  
Carl Hebert, Case Tracking System, Department of Planning and Land Use, M.S. O650

**ATTACHMENTS:**

Attachment A-Planning Documentation  
Attachment B-Plat  
Attachment C-Form of Decision  
Attachment D-Administrative Decision  
Attachment E-Appellant's Letter of Appeal  
Attachment F-Appellant's Documents  
Attachment G-Zoning Ordinance Excerpts  
Attachment H-Land Use Analysis  
Attachment I-Additional Information Case Sheet

**SUBJECT:** APPEAL OF THE DIRECTOR'S DECISION, WHILLOCK BOUNDARY  
ADJUSTMENT WITH CERTIFICATE OF COMPLIANCE; BC 07-137

**CONTACT PERSON:**

Michelle Conners

Name

(858) 694-2636

Phone

(858) 694-3373

Fax

O650

Mail Station

Michelle.Conners@sdcounty.ca.gov.

E-mail

**AUTHORIZED REPRESENTATIVE:**

*Brian R. Baca, Chief*  
*For* ERIC GIBSON, INTERIM DIRECTOR

**ATTACHMENT A**

**PLANNING DOCUMENTATION**

APNs: 508-080-01 &  
508-080-54

Appeal to Planning  
Commission: Whillock  
Boundary Adjustment  
with Certificate of Compliance

Crest-Dehesa  
Community Planning Area

Project Boundary



Roads



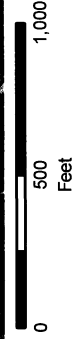
Parcels



NORTH



Date: 02 Jun 2008  
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Feet

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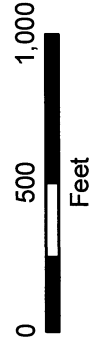
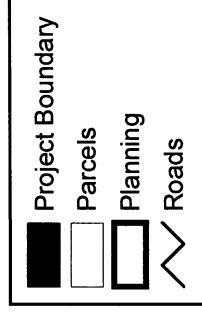


APNs: 508-080-01 &  
508-080-54  
Appeal to Planning  
Commission: Whillock  
Boundary Adjustment  
with Certificate of Compliance

## Planning Map

Crest-Dehesa  
Community Planning Area

- (17) Estate Residential  
1 DU/2.4 ACRES
- (18) Multiple Rural Use  
1 DU/4.8,20 ACRES



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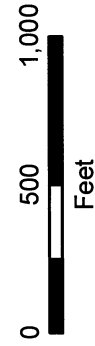
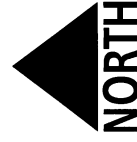
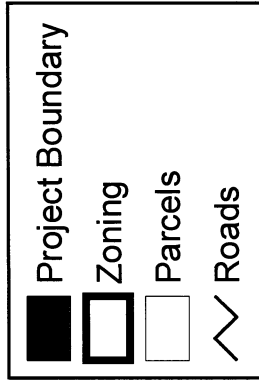
APNs: 508-080-01 &  
508-080-54

Appeal to Planning  
Commission: Whillock  
Boundary Adjustment  
with Certificate of Compliance

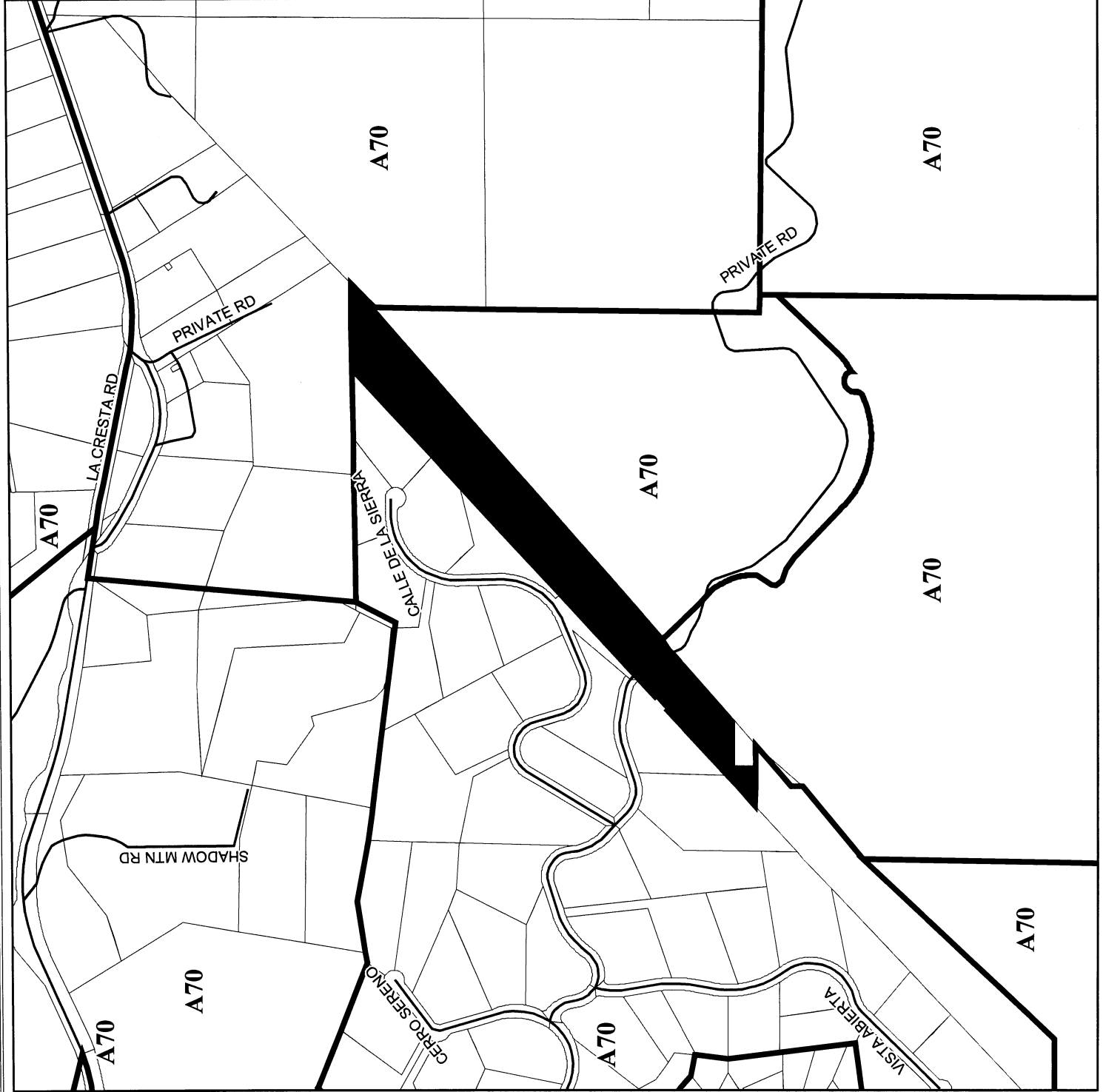
# ZONING MAP

Crest-Dehesa  
Community Planning Area

(A70) LIMITED AGRICULTURE



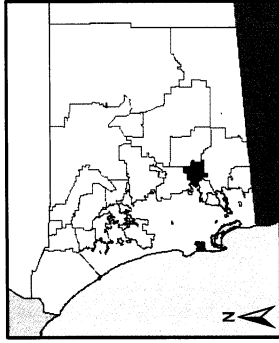
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APNs: 508-080-01 &  
508-080-54  
Appeal to Planning  
Commission: Whillock  
Boundary Adjustment  
with Certificate of Compliance




## VICINITY MAP

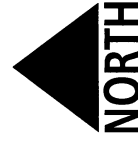
Crest-Dehesa  
Community Planning Area



1:3,500,000

## Legend

-  Site
-  Roads
-  Parcels

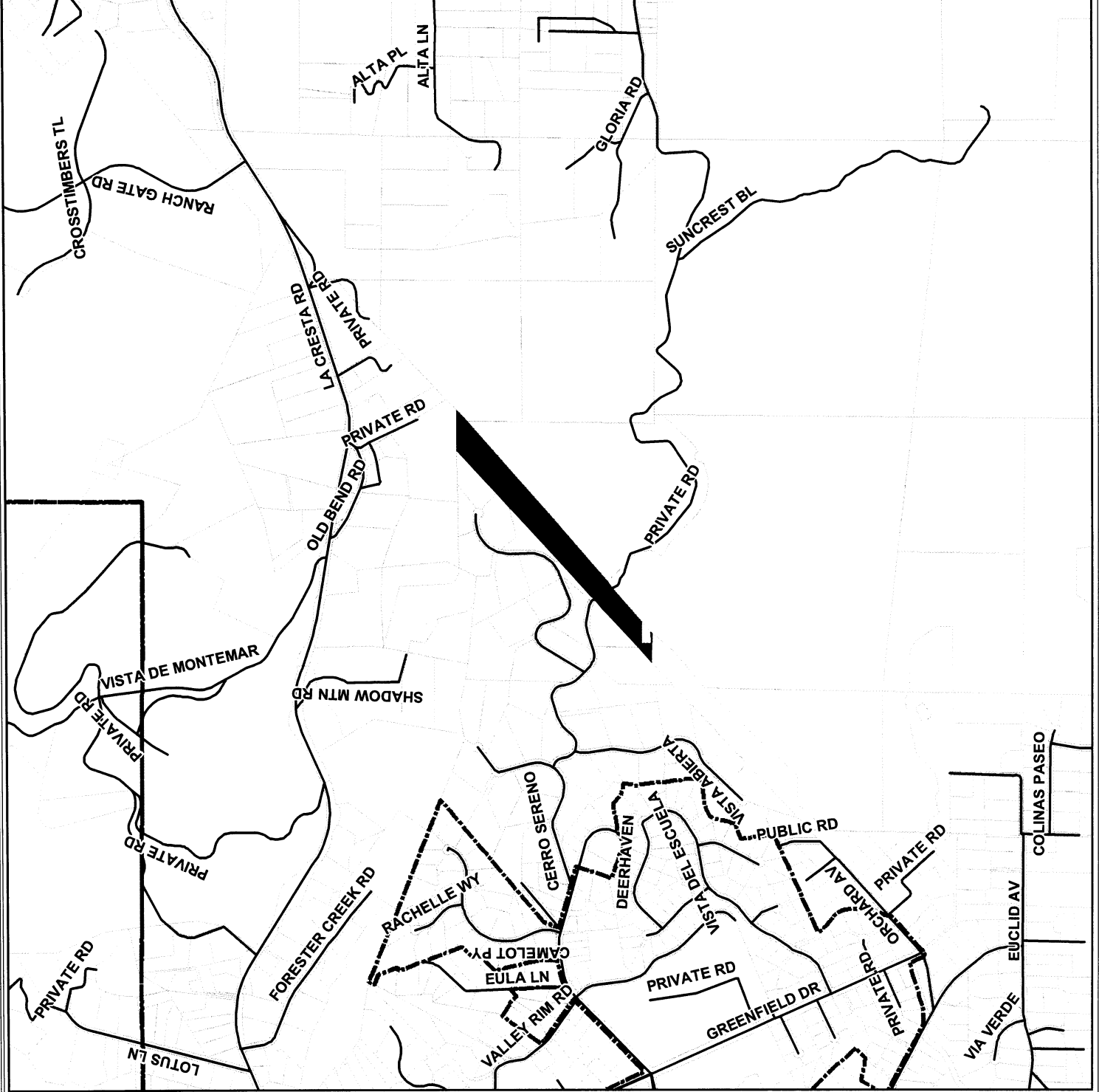


0 1,000 2,000  
Feet



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Date: 02 Jun 2008  
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**ATTACHMENT B**

**PLAT**

SCALE: 1 in. = 400'

ZONING: A70 (4 AC) 508-080-44 &  
A70 (2 AC) 508-080-01

PARCEL "A": 508-080-44  
NET AC: 54

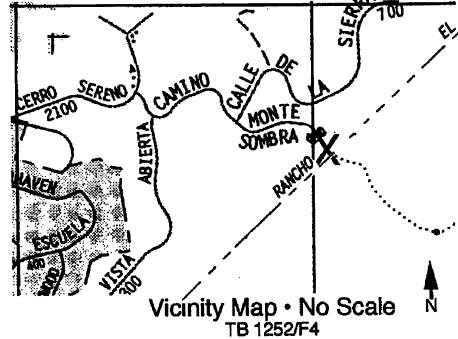
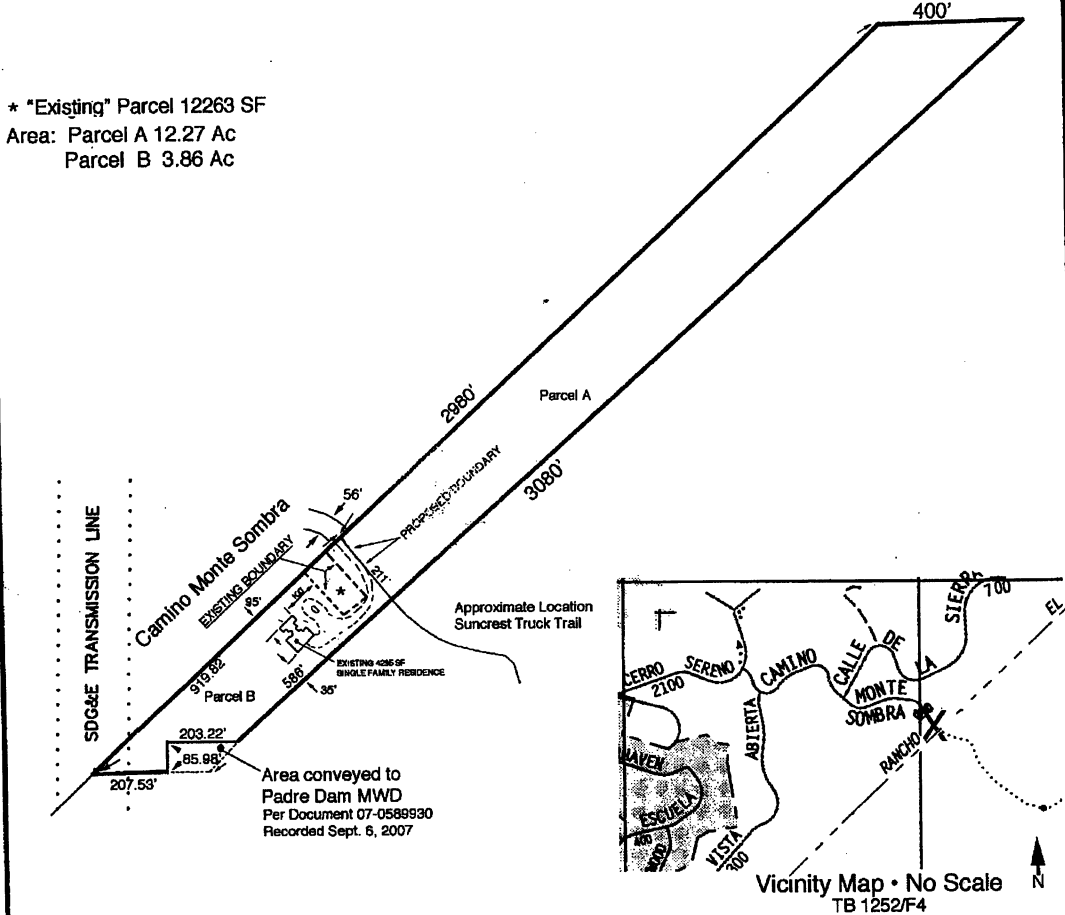
APN NO(S):

PARCEL "B": 508-080-01 & 44  
NET AC: 54

APN NO(S):

LEGAL: Portion of "S" tract of Rho El Cajon

\* "Existing" Parcel 12263 SF  
Area: Parcel A 12.27 Ac  
Parcel B 3.86 Ac



HEALTH DEPARTMENT CERTIFICATION (if nec.)  
Parcel A: EXEMPT from Certification, per  
SD County Zoning Ordinance, Section 6903(h).  
Not Approved for Development without Engineering  
to demonstrate site can support development  
based on the use of a Substrate Sewage  
disposal system.

Parcel B: Existing 5BR SFD with  
a 1500 gallon septic tank and 400 ft of  
leach lines with 100% Reserve per LSTN-7330  
water for both parcels provided by Padre Dam.

James DeChue REHS 11/2/07

NOTE:  
Proposed Boundary: ———  
Existing Boundary: .....  
Current Zoning: .....

CHECKLIST  
Fill in all items above.  
Vicinity map/Eng. scale  
Legal description (above)  
Label "Parcel A", etc.  
Assessor's Parcel No.  
Label Existing line  
Label Proposed line  
All owners must sign  
Sign as Trustee if Trust  
Parcel(s) not area only  
Parcel(s) dimensions  
Existing structures  
Structure setback\*  
\*If less than 100'  
Structure(s) Use  
Street name & width  
Dedicated Open Space  
No utility easements  
No bearings/curve data

OPTIONAL USE AREA: Vicinity map, details, License Seal Stamp, etc.

OWNERS: Mark B. & Susan K. Whillock  
ADDRESS: 2590 Camino Monte Sombra  
CITY: El Cajon CA 92019 ZIP: PHONE: 619-579-0700

THIS WAS PREPARED WITH MY/OUR KNOWLEDGE AND CONSENT:  
(Owner's sign here)  
(First name here)  
Mark B. Whillock

Susan K. Whillock  
Susan K. Whillock

MAP PREPARED BY: FAY HARRISON REALTY  
ADDRESS: 12090 CREST PL  
CITY: Poway ZIP: 92064 PHONE: 858-679 8868

DATE FILED: 11/21/07  
RECD BY: J. Oakes

PRELIMINARY ACTION DATE:  
SIGNED BY:

FINAL ACTION DATE:  
SIGNED BY:

PLAT NO. 186 07-13-1

**ATTACHMENT C**  
**FORM OF DECISION**

SAN    DIEGO    COUNTY    PLANNING    COMMISSION

5201 Ruffin Road

San Diego, CA 92123

June 27, 2008

Decision of the Planning Commission  
On the Application of Mark B. and Susan K. Whillock  
Application Number BC 07-137

An appeal of the decision of the Director of Planning and Land Use dated May 9, 2008, to deny the Whillock Boundary Adjustment with Certificate of Compliance (2 Lots); BC 07-137; which determined that Assessor's Parcel Number (APN) 508-080-01 was not created as a "building site" and is therefore not eligible to be included in a Boundary Adjustment application pursuant to Section 6903(e) of the County Zoning Ordinance.

The San Diego Planning Commission, having conducted a public hearing as required by law and having considered the report from the Department of Planning and Land Use and the maps, exhibits, attachments, and letters on file with the Department of Planning and Land Use concerning this application and all other information presented, hereby makes the following Findings and adopts the following Decision:

I.        FINDINGS: The Planning Commission finds as follows:

- A.        The legal lot represented by APN 508-080-01 was created through a specific exception provided in the Subdivision Map Act to accommodate the installation of facilities for a public utility agency and was not intended as a "building site" pursuant to Section 6903(e) of the County Zoning Ordinance.

DECISION: Based upon the above findings, the Planning Commission determines that the Director of Planning and Land Use correctly determined that the Assessor's Parcel Number (APN) 508-080-01 was not created as a "building site" and is therefore not eligible to be included in a Boundary Adjustment application pursuant to Section 6903(e) of the County Zoning Ordinance.

II.        The appeal is therefore DENIED.

NOTICE: If you are dissatisfied with the decision of the Planning Commission, you may appeal to the Board of Supervisors as provided in Section 81.905 of the San Diego County Subdivision Ordinance. Any such appeal shall be filed with the secretary of the Board of Supervisors within ten calendar days of the date of this notice. If the tenth day

BC 07-137

- 2 -

June 27, 2008

falls on a weekend or County holiday, an appeal will be accepted until 4:00 p.m. the following day the County is open for business.



**ATTACHMENT D**

**DIRECTOR'S DECISION**



## County of San Diego

ERIC GIBSON  
INTERIM DIRECTOR

### DEPARTMENT OF PLANNING AND LAND USE

5201 RUFFIN ROAD, SUITE B, SAN DIEGO, CALIFORNIA 92123-1666  
INFORMATION (858) 694-2960  
TOLL FREE (800) 411-0017

May 9, 2008

Mark B. Whillock  
Susan K. Whillock  
5920 Camino Monte Sombra  
El Cajon CA 92019

#### ADMINISTRATIVE DECISION:

BC 07-137, Whillock Boundary Adjustment  
APNs 508-080-01 and 508-080-44

Dear Mr. and Mrs. Whillock:

On February 14, 2008, your representative, Thure Stedt, received an email from Department of Planning and Land Use (DPLU) project manager (Michelle Conners) stating that the DPLU had determined that Assessor's Parcel Number (APN) 508-080-01 qualifies as a building site and that processing of the requested Boundary Adjustment could continue. Upon further review of the history of this parcel, this determination is rescinded and replaced by this letter of decision.

Based upon the information provided in support of the application, the parcel in question was created solely for the installation of a water transmission facility to be operated by the Crest Public Utility District (District). This conclusion is based on the information provided with the application. Resolution 863 of the City of El Cajon (City) approved the granting of an access easement to the subject parcel for "water pipe line, electrical power line, communication lines and signal or control lines, incidental and pertinent to the operation and control of the water pumping plants, reservoirs, and water pipeline system of said district...". The map included with this resolution labels the subject property as "Site Pumping Plant No. 2." The deed that created the subject parcel involves a transfer of ownership between two public agencies (City and District) that occurred concurrent with the granting of the easement.

Section 6903.e of the County Zoning Ordinance prohibits the relocation of lot lines that would:

*Include any lots or parcels, which in the Director's judgment, based on design, size, or specification of the original document creating the parcel, were not intended as a building site.*

Based on the available information discussed above, Assessor's Parcel Number 508-080-01 was created for the installation of facilities for a public utility district. It was not created as a "building

site" for any other purpose. Thus, this parcel is not eligible to be included in a Boundary Adjustment application.

Administrative Decision:

Based on the limitations imposed by Section 6903.e of the County Zoning Ordinance, Boundary Adjustment BC 07-137 is hereby denied. This decision is exempt from the California Environmental Quality Act based upon Section 15270(b) of the State CEQA Guidelines (Project which are disapproved).

Appeal:

This Administrative Decision can be appealed in accordance with sections 7200-7206 of the County Zoning Ordinance. Pursuant to Section 7201.b, an appeal must be filed within 10 days of the date of decision (i.e. the date of this letter).

If you have any questions regarding this letter, please contact Brian Baca, Chief of Regulatory Planning at (858) 694-3789 or [brian.baca@sdcounty.ca.gov](mailto:brian.baca@sdcounty.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Eric Gibson', with a long horizontal flourish extending to the right.

ERIC GIBSON, Interim Director  
Department of Planning and Land Use

**ATTACHMENT E**

**APPELLANT'S LETTER OF  
APPEAL**

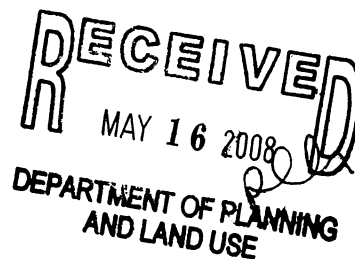


Project Management Development Processing Land Use Planning

Environmental Analysis Project Representation

May 15, 2008

CN-971



Eric Gibson, Director  
County of San Diego  
Department of Planning and Land Use  
5201 Ruffin Road, Suite B  
San Diego CA 92123

Re: Appeal of Denial of Boundary Adjustment BC07-137 (Mark & Susan Whillock.)

Dear Mr. Gibson:

Pursuant to Section 81.905 of the San Diego County Subdivision Ordinance and on behalf of Mark & Susan Whillock we hereby appeal the Administrative Decision dated May 9, 2008 denying Boundary Adjustment BC07-137.

The basis for the denial of BC07-137 is the determination that the parcel being adjusted does not qualify as a legal lot because it was not created as a building site. We disagree; the parcel meets the definition of a building site based upon the documents which created it. The documents indicate that it was created for the purpose of a pump station building. The Zoning Ordinance does not distinguish between types of buildings or uses in its definition of a building site. Pursuant to the Zoning Ordinance it literally qualifies as a building site and thereby a legal lot.

The appeal deposit of \$1,500.00 is included with this letter.

If you have any questions please do not hesitate to contact me.

Sincerely,

Thure Stedt

**ATTACHMENT F**

**APPELLANT'S DOCUMENTS**

9652 Dec 285

CREST PUBLIC UTILITY DISTRICTRESOLUTION

#5

RESOLVED that Crest Public Utility District does hereby accept conveyance of that certain easement across a portion of Section 4, Township 16 South Range 1 East S. B. & M., evidenced by that certain agreement and conveyance dated February 7, 1950, executed by the City of El Cajon;

RESOLVED FURTHER, that a certified copy of this Resolution be attached by the Clerk to said agreement and conveyance, and consent is hereby given for the recordation of said instrument.

PASSED AND ADOPTED by the Board of Directors of the Crest Public Utility District at a meeting of said Board held at 2:30 P.M. o'clock P.M., on the 31st day of May, 1950, by the following vote, to-wit:

AYES: Kalben, Howard, MacDonald  
 NOES: None  
 ABSENT: None



Walter Kalben  
 President, Board of Directors of  
 Crest Public Utility District.

BOOK 3652 PAGE 286

C E R T I F I C A T E

I, BARBARA ALLABOUGH, Secretary of Crest Public Utility District, certify that the foregoing is a full, true and correct copy of a Resolution unanimously adopted by the Board of Directors of said Crest Public Utility District at a meeting of said Board duly and regularly held on May 31st, 1950.

DATED: June 1st, 1950.

Barbara Allabough  
Secretary



RESOLUTION NO. 863RESOLUTION GRANTING EASEMENT TO CREST  
PUBLIC UTILITY DISTRICT.

BOOK 3652 PAGE 287

WHEREAS, the Crest Public Utility District has requested of the City of El Cajon an easement and right-of-way for a water pipe line, electrical power line, communication lines and signal or control lines, incidental and pertinent to the operation and control of the water pumping plants, reservoirs and water pipe line system of said district, together with right of ingress and egress for the purposes of repairing, relaying, enlarging and operating same over certain property owned by the City of El Cajon in the County of San Diego;

WHEREAS, the Crest Public Utility District has offered as consideration therefor the sum of One Dollar (\$1.00);

WHEREAS, the City Council of the City of El Cajon deems it to be to the best interest to the people of El Cajon to grant said easement;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of El Cajon as follows:

1. That the Mayor be and he is hereby authorized and directed to execute a conveyance by the City of El Cajon to the Crest Public Utility District of an easement for a right-of-way for a water pipe line, electrical power lines, communication lines and signal or control lines, incidental and pertinent to the operation and control of the water pumping plants, reservoirs and water pipe line system of said District, together with right of ingress and egress for the purposes of repairing, relaying, enlarging and operating same, over, across, under and along the following described property in the County of San Diego, State of California, described more particularly as follows:

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All water pipe lines, electrical power lines, communication and signal lines shall be constructed or installed within a 20 ft. strip of land lying within Lot 3, Section 4, Township 16 South, Range 1 East, S.B.M., in the County of San Diego, State of California, said strip of land to be 10 feet on each side of centerline, the side lines of which are to be produced or shortened to begin or terminate in the boundary of the above-described property. Said centerline is described as follows:

Beginning at the S.E. corner of said Sec. 4; thence N. 89 Deg. 38' W. 2638.29 feet to the South 1/4 corner of said Sec. 4; thence N. 20 Deg. 10' 25" E. 938.44 feet to THE TRUE POINT OF BEGINNING; thence So. 86 Deg. 59' 20" W. 917.0 feet; thence So. 72 Deg. 39' 20" W. 850 feet; thence S. 51 Deg. 09' 20" W. 151.71 feet; thence S. 73 Deg. 43' 10" W. 106.80 feet; thence S. 51 Deg. 09' 20" W. 108.00 feet; thence S. 86 Deg. 09' 20" W. 214.00 feet; thence S. 48 Deg. 24' 20" W. 312 feet; thence S. 59 Deg. 03' 00" W. 50.86 feet, more or less, to a point in the northwesterly line of Lot 3, Sec. 4, said point also being in the Southeasterly boundary of Rancho El Cajon, distant thereon N. 48 Deg. 24' 20" E., (N. 47 Deg. 30' 00" E., Map 1177) 2208.31 feet from the most northerly corner of Lot 35 of El Cajon Valley Homelands according to Map thereof No. 1177 filed in the office of the County Recorder of said San Diego County.

The right of ingress and egress to the right of way shall be over and across any part of the following described property owned by the said City of El Cajon:

Lot 3, Section 4, Township 16 South, Range 1 East, S.B.M., in the County of San Diego, State of California.

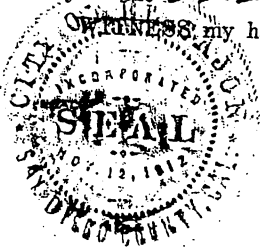
2. That the City Clerk of the City of El Cajon be and he is hereby authorized and directed to furnish one certified copy of this resolution to the Secretary of the Crest Public Utility

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### CERTIFICATE OF CITY CLERK

I, VICTOR A. CHRISTENSEN, City Clerk of the City of El Cajon, California, hereby certify the foregoing to be a true and exact copy of Resolution 863 of said City passed and adopted at a ..... regular meeting of the City Council of said City on the 6th day of February 1950.

Witness my hand and official seal of said City this 7th day of February 1950.



VICTOR A. CHRISTENSEN, City Clerk  
of the City of El Cajon, California and ex-officio  
clerk of the City Council of said City.

## E A S E M E N T

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THIS AGREEMENT, made and entered into this 7th day of February 1950, byand between CITY OF EL CAJON

Party of the first part and the Crest Public Utility District, a Public Utility District organized under the laws of the State of California, party of the second part, to-wit:

WITNESSETH that for the sum of one dollar to them in hand paid, receipt of which is hereby acknowledged, parties of the first part hereby grant to party of the second part a right-of-way for a water pipe line, electrical power lines, communication lines and signal or control lines, incidental and pertinent to the operation and control of the water pumping plants, reservoirs and water pipe line system of said District, together with right of ingress and egress for the purposes of repairing, relaying, enlarging and operating same, over, across, under and along the following described property.

All water pipe lines, electrical power lines, communication and signal lines shall be constructed or installed within a 20 ft. strip of land lying within Lot 3, Section 4, Township 16 South, Range 1 East, S.B.M., in the County of San Diego, State of California, said strip of land to be 10 feet on each side of centerline, the side lines of which are to be produced or shortened to begin or terminate in the boundary of the above described property. Said centerline is described as follows: Beginning at the S.E. corner of said Sec. 4; thence N. 89°38' W. 2638.29 feet to the South 1/4 corner of said Sec. 4, thence N. 20°10'25" E. 938.44 feet to THE TRUE POINT OF BEGINNING, thence S. 86°59'20" W. 917.0 feet; thence S. 72°39'20" W. 850 feet; thence S. 51°09'20" W. 151.71 feet; thence S. 73°43'10" W. +106.80 feet; thence S. 51°09'20" W. 108.00 feet thence S. 86°09'20" W. 214.00 feet; thence S. 48°24'20" W. 312 feet; thence S. 59°03'00" W. 50.86 feet more or less to a point in the northwesterly line of Lot 3, Sec. 4, said point also being in the Southeasterly boundary of Rancho El Cajon, distant thereon N. 48°24'20" E, (N. 47°30'00" E, Map 1177) 2208.31 feet from the most northerly corner of Lot 35 of El Cajon Valley Homelands according to Map thereof No. 1177 filed in the office of the County Recorder of said San Diego County.

The right of ingress and egress to the right of way shall be over and across any part of the following described property owned by the party of the first part:

Lot 3, Section 4, Township 16 South, Range 1 East,  
S.B.M., in the County of San Diego, State of California.

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IN CONSIDERATION hereof the party of the Second part, its heirs, successors and assigns, agrees

THAT it will use roads, lanes, trails or land, in egress and ingress, that will cause the minimum of inconvenience and damage to the party of the first part and the party of the second part agrees to pay to party of the first the amount of the actual damages caused him by reason of such ingress and egress.

THAT it will maintain the pipe line as free from leaks as possible and that if leaks do occur same will be promptly repaired.

That any operation necessary for installing and caring for said lines will be carried out with diligence and in such manner as to cause parties of the first part the least inconvenience.

IN WITNESS WHEREOF the parties of the first part have hereby set their hands and seals the day and year first above written.

James E. Hunt  
Mayer  
Parties of the First Part

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STATE OF CALIFORNIA )  
                                   )ss.  
 County of San Diego )

On this 8th day February, 1950  
 before me Arthur Rosenberg, a Notary Public in and  
 for said County and State, residing herein, duly commissioned  
 and sworn, personally appeared  
James E. Hunt and \_\_\_\_\_  
 known to me to be the persons described in and whose names are  
 subscribed to the within instrument and acknowledged to me that  
 they executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and af-  
 fixed my official seal at my office in said County of San Diego,  
 State of California, the day and year in this certificate first  
 above written.

Arthur Rosenberg  
 Notary Public in and for  
 The County of San Diego,  
 State of California.

My Commission Expires \_\_\_\_\_.



mail to:

Crest Public Utility Dist.

2214 Sunset Blvd.

El Cajon, Calif. ②

Flora E. Lang

June 13

INDEXED

63814

DOCUMENT NO.  
RECORDED AT REQUEST OF

Crest Public Utility Dist.

JUN 9 1950

10 Minutes past 10

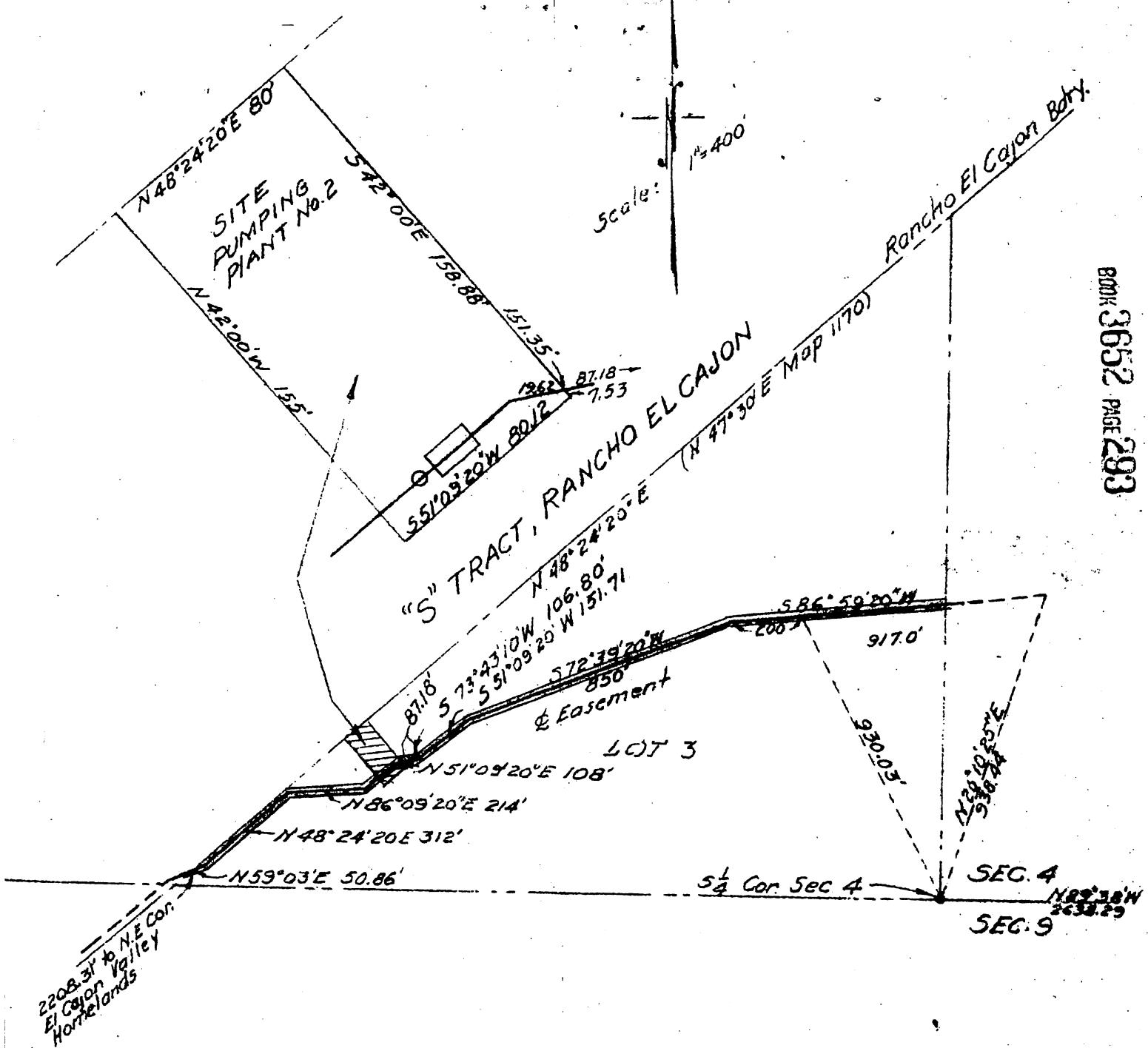
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OFFICIAL RECORDS

San Diego County, California  
Ralph H. Harris, County Recorder

mem

10



PLAT OF  
PORTION OF LOT 3, SEC. 4, T.16S, R.1E.

Owner: City of El Cajon

KISTNER, CURTIS & WRIGHT

Philip W. Knights

33652 PAGE 298

## CITY OF EL CAJON

or and in consideration of \_\_\_\_\_ One \_\_\_\_\_ DOLLARS,  
 o \_\_\_\_\_ hereby grant to Crest Public Utility District, San Diego County,  
 alifornia,

ll that Real Property situated in the County of San Diego, State of Californ-  
 a, described as follows: That portion of Lot 3 of Section 4, T.16S, R.1E,  
 .E., described as follows:

Beginning at the Southeast corner of said Section 4; thence  
 North 89°38' West 2638.29 feet to the South Quarter Corner of said Section  
 4; thence North 20°10'25" East a distance of 932.44 feet; thence South 86°  
 52'20" West a distance of 917.0 feet; thence South 72°39'20" West a distance  
 of 350.00 feet; thence South 51°09'20" West 151.71 feet; thence South 73°43'  
 10" West 87.12 feet to the TRUE POINT OF BEGINNING: Thence South 42°00' East  
 7.56 feet; thence South 51°09'20" West 80.12 feet; Thence North 42°00' West  
 155 feet to the Southeasterly boundary of the Rancho El Cajon; thence North  
 48°24'20" East along said Southeasterly boundary of Rancho El Cajon 80.00  
 feet; Thence South 42°00' East 151.35 feet to the TRUE POINT OF BEGINNING  
 and containing 0.29 acres more or less.

WITNESS my hand \_\_\_\_\_ this 7th day of February, 1950

James E. H. H. H.  
Mayor



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STATE OF CALIFORNIA )  
 ) ss.  
 County of San Diego )

On this 5th day February, 1956,  
 before me, Arthur B. Ransley, a Notary Public in and  
 for said County and State, residing herein, duly commissioned  
 and sworn, personally appeared

James E. Hunt and \_\_\_\_\_  
 known to me to be the persons described in and whose names are  
 subscribed to the within instrument and acknowledged to me that  
 they executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and af-  
 fixed my official seal at my office in said County of San Diego,  
 State of California, the day and year in this certificate first  
 above writt

Arthur B. Ransley  
 Notary Public in and for  
 The County of San Diego,  
 State of California

My Commission Expires \_\_\_\_\_



**ATTACHMENT G**

**ZONING ORDINANCE EXCERPTS**

Def. B

(3) on-site processing of any material to be removed is prohibited,  
(4) such removal and grading of land is in accordance with an  
approved grading plan, (5) the removal and grading would not have a  
significant detrimental effect on the site or surrounding area, and  
(6) an administrative permit for such removal and grading is  
approved by the Director.

(Amended by Ord. No. 6298 (N.S.) adopted 5-26-82)

(Amended by Ord. No. 6133 (N.S.) adopted 7-22-81)

Building: Any structure used or intended for supporting or sheltering  
any use or occupancy.

Building, Accessory: (See Accessory Building)

Building, Facing: The linear length of a building or portion of a  
building occupied by a single establishment.

Building Height: (See Height, Building)

Building, Main: (See Main, Building)

Building, Multiple-Entrance: Any nonresidential structure which provides  
primary access from sidewalks, parking areas, external balconies or  
arcades, or other public areas directly into any one of two or more  
individual tenant/user spaces in such structure without requiring passage  
through a common hallway, entry way or courtyard.

(Added by Ord. No. 6092 (N.S.) adopted 7-1-81)

Building Site: One or more legally created lots when used in combination  
for a building or group of buildings together with all open spaces as  
required by this ordinance. (See Lot Area, Net).

(Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)

Building Site Front: (Deleted by Ordinance No. 7576 (N.S.) Adopted  
1-11-89)

Building Type: The development designator intended to regulate the  
structural types and arrangements of buildings, and the arrangement of  
uses within them.

Building Type, Mixed Residential-Nonresidential: That group of building  
types comprising the following:

1. Limited: A structure or structures containing one or more dwelling  
units in any vertical or horizontal arrangement and in which  
principal nonresidential use types are located only at the ground  
level, or at any level below the ground level of the building or  
structure.

3. Specifications for the mechanisms and techniques to be used in the suppression of odors, air contaminants and flies at all times before, during and after the processing operation.
- e. Director of Environmental Health Review. The Director of Environmental Health shall review all applications and make recommendations thereon, including recommendations as to conditions deemed necessary to assure adequate suppression of odors, air contaminants, flies and other hazards of the public health.
- f. Water Quality Control Board Review. The Director shall send a copy of each application to the appropriate California Regional Water Quality Control Board for information and, if said Board so elects, for recommendation to the Approving Authority.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
 (Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)  
 (Amended by Ord. No. 8292 (N.S.) adopted 8-4-93)  
 (Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)  
 (Amended by Ord. No. 9676 (N.S.) adopted 9-22-04)

#### 6903 LOT LINE LOCATIONS

Lot lines shall not be relocated so as to do any of the following:

- a. Impair any legal access or create a need for new access to any adjacent lots or parcels.
- b. Impair any existing easements, create a need for any new easements serving any adjacent lots or parcels or cause any of the lots or parcels involved to be without safe and adequate access.
- c. Require substantial alteration of any existing public improvement or create a need for any new public improvements, unless approval is given by the Director, Department of Public Works.
- d. Adjust the boundary between lots or parcels for which a Covenant of Improvement Requirements has been recorded and all required improvements stated therein have not been completed unless the Director determines the proposed boundary adjustment will not significantly affect said Covenant of Improvement Requirements.
- e. Include any lots or parcels, which in the Director's judgment, based on design, size, or specification of the original document creating the parcel, were not intended as a building site.
- f. Negate any condition imposed or finding made in the original action or actions that created any or all of the lots involved in any such relocation of a lot line.
- g. Negate any action or measure imposed to mitigate environmental impacts at the time any or all of the lots involved in any such relocation of a lot line were created.

6903

- h. Result in any lot or lots which utilize or propose to utilize an individual sewage disposal system, unless said lot or lots have been certified by the Director of Environmental Health as being approved for the installation of a sewage disposal system in accordance with the Septic Tank Ordinance, said certification to be dated no earlier than one year prior to the filing of said request for relocation of lot line(s). The Director of Environmental Health may exempt a boundary adjustment lot(s) from certification when the lot line changes will not impact the ability of the lot(s) to utilize an individual sewage disposal system.
- i. Result in any increase in noncompliance to the lot design requirements specified in Section 81.401 of the County Subdivision Ordinance.
- j. Result in any lot or lots which do not comply with all applicable zoning regulations, except that in the case of a lot or lots which did not conform to zoning regulations prior to the lot line relocation, the relocation may be approved if it does not result in any greater degree of nonconformity.
- k. Include any area determined by the Director of Public Works to be subject to flooding or inundation unless the limits of said area are delineated by a distinctive boundary line, clearly labeled, with an appropriate note stating said area is subject to flooding or inundation.
- l. Where the Director has made the determination referred to in Section 67.711 of the San Diego County Code, lot lines may not be relocated so as to result in lots zoned for residential use that are smaller than the minimum parcel sizes set forth in San Diego County Code Section 67.722.A (within the San Diego County Groundwater Ordinance), except that an existing parcel smaller than the applicable minimum parcel size set forth in said Section 67.722.A need not be made to conform to the minimum, so long as it is not further reduced in size by the Adjustment Plat.

(Amended by Ord. No. 9826 (N.S.) adopted 01-31-07)

(Added by Ord. No. 7178 (N.S.) adopted 8-6-86)

(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)

**ATTACHMENT H**

**LAND USE ANALYSIS**

**LAND USE ANALYSIS****I. Planning/Design Issues****A. General Plan****1. Regional Land Use Element**

The site is subject to the General Plan Regional Land Use Element 1.3 Estate Development Area (EDA), which combines agricultural and low density residential uses (parcels of two to twenty acres will apply). Included in the category are those areas outside the Urban Limit Line but within the boundaries of the County Water Authority. The site is subject to the General Plan Land Use Designation Multiple Rural Use (18), which allows for a maximum density of one (1) dwelling unit per four (4), eight (8) or twenty (20) acres depending on the average slope of a proposed parcel.

**2. Community Plan**

The project is a Boundary Adjustment with Certificate of Compliance which would reconfigure the lot lines between two parcels to allow proposed Parcel 'A' to be developed as a single-family residential site. The subject properties are designated for low density residential development by the Crest/Dehesa/Harbison Canyon Community Plan. The project would therefore comply with the goals and objectives of the Community Plan.

**B. Zoning****1. Density**

The current zone is A70, Limited Agriculture, which requires a net minimum lot size of two (2) for apn 508-080-01 and four (4) acres for apn 508-080-54.

**2. Other Development Regulations**

None

**C. Subdivision Ordinance****1. Findings**

Pursuant to Section 81.901, “Any adjustment plat may be filed pursuant to the provisions of this chapter to adjust the boundaries between two or more adjacent parcels, where the land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not thereby created: provided the Director determines that the proposed boundary adjustment conforms to the requirements of the Zoning Ordinance...”. The Department of Planning and Land Use (DPLU) has determined that the subject parcel, apn 508-080-01, is not eligible to be included in a Boundary Adjustment application due to an inconsistency with Section 6903.e of the County Zoning Ordinance which prohibits the relocation of lot lines that would, “Include any lots or parcels, which in the Director’s judgment, based on design, size, or specification of the original document creating the parcel, were not intended as a building site”.

2. Design Standards

It has been determined that the project is not eligible for a Boundary Adjustment application pursuant to Zoning Ordinance Section 6903(e); therefore, the compliance with the Subdivision Ordinance design standards does not apply.

3. Access

The proposed project would take access from a private road that becomes Camino Monte Sombra at the north-west property line of the project site.

II. California Environmental Quality Act (CEQA)/Resource Protection Ordinance (RPO) Issues

A. CEQA

The Director of Planning and Land use denied this proposed Boundary Adjustment with Certificate of Compliance in a letter of decision on May 9, 2008. This decision is exempt from the California Environmental Quality Act based upon Section 15270(b) of the State CEQA Guidelines (Projects which are disapproved). No environmental documents have been prepared.

B. RPO

1. Slope: Boundary Adjustment applications are not subject to the Resource Protection Ordinance (RPO).



2. Floodplain: Boundary Adjustment applications are not subject to the Resource Protection Ordinance (RPO).
3. Density: Boundary Adjustment applications are not subject to the Resource Protection Ordinance (RPO).

III. Other Issues

- A. none

**ATTACHMENT I**

**ADDITIONAL INFORMATION**

**CASE SHEET**

ADDITIONAL INFORMATION  
CASE SHEET

**APPLICATION**

Meeting Date: June 27, 2008

Type: Boundary Adjustment with Certificate of Compliance	Case No. BC 07-137
Owner/Applicant: Mark B. & Susan K. Whillock  Agent: N/A	ENVIRONMENTAL STATUS: This decision is exempt from the California Environmental Quality Act based upon Section 15270(b) of the State CEQA Guidelines (Projects which are disapproved). No environmental documents have been prepared.
Project Manager: Conners	Analyst: N/A
Account No. 07-0088109	Log No. N/A

**SITE/PROJECT DESCRIPTION**

Community: Crest-Dehesa	Location: 2590 Camino Monte Sombra, El Cajon, CA 92019	Thomas Bros.: 1252/E4
<p>Project: This is an appeal of the Director's Decision to deny the Whillock Boundary Adjustment with Certificate of Compliance (2 Lots); BC 07-137; which determined that Assessor's Parcel Number (APN) 508-080-01 was not created as a "building site" pursuant to Section 6903(e) of the County Zoning Ordinance.</p> <p>Site: Parcel "B" of the project site is presently developed with a single-family residence and Parcel "A" is currently vacant.</p>		
<b>SURROUNDING LAND USES &amp; ZONING:</b> <u>North:</u> A70, Limited Agricultural Use Regulations  Single Family Residential Uses on lots of approximately 2 to 4 acres.	<u>South:</u> A70, Limited Agricultural Use Regulations  Vacant Land	<u>East:</u> A70, Limited Agricultural Use Regulations  Vacant Land
		<u>West:</u> A70, Limited Agricultural Use Regulations  Single Family Residential Uses on lots of approximately 2 to 4 acres.

**PROJECT STATISTICS**

Total Area: Approximately 16.13 acres	Proposed Density: No change proposed.
Lot Size: Parcel A: 12.27 acres Parcel B: 3.86 acres	Number of Lots: Two (2)

<b>DISTRICT</b>	<b>NEAREST FACILITY</b>	<b>SERVICE LETTER AVAILABILITY</b>
Sanitation: N/A		Yes <input type="checkbox"/> No <input type="checkbox"/>
Water: Padre Dam Municipal Water District		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Fire: San Miguel Consolidate Fire Protection District		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Elementary School: Cajon Valley Union		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
High School: Grossmont Union High School District		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Other: N/A		Yes <input type="checkbox"/> No <input type="checkbox"/>
Sphere of Influence: N/A		

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### GENERAL PLAN

### ZONING

Community/Subregion: Crest-Dehesa  
Designation/Density: (18) Multiple Rural use

Regional Category: Estate Development Area  
(EDA)

Project/Plan Conformance: Yes ☐ No ☒

Existing: A70 (Limited Agriculture)  
Proposed: No change in Use Regulation.

Minimum Lot Size: 2 or 4 acres

Maximum Density: .25 or .5 du/acre

Project/Zone Consistency: Yes ☐ No ☒